

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 068543
ORIGIN COME-00

INFO OCT-01 IO-13 ISO-00 AGRE-00 CEA-01 CIAE-00
DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05 L-03
LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15
STR-07 ITC-01 TRSE-00 USIA-06 SP-02 SOE-02 OMB-01
DOE-11 /105 R

DRAFTED BY COMMERCE:ROLIVER:JS
APPROVED BY STR/WBKELLY
STR:AFLAIG
LABOR:WRENISON
STATE:DFINNERTY
COMMERCE:ROLIVER
TREASURY:HBERGHOF
USDA:JBENSON

-----019650 170517Z /13

P 170047Z MAR 78
FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY

LIMITED OFFICIAL USE STATE 068543

USMTN FOR MTN GENEVA

E.O. 11652: GDS

TAGS: ETRD, MTN

SUBJECT: DRAFT UNDERSTANDING OF EXPORT CONTROL MEASURES

1. DRAFT UNDERSTANDING REGARDING THE USE OF EXPORT CONTROL MEASURES, PREPARED BY DEL, HAS BEEN REVIEWED BY STAFF LEVEL SUBCOMMITTEE ON FRAMEWORK ISSUES. HOWEVER, BECAUSE DRAFT AND SUBCOMMITTEE COMMENTS (SEE BELOW) DO NOT HAVE FORMAL INTERAGENCY CLEARANCE DRAFT SHOULD NOT BE CIRCULATED AS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 068543

U.S. PROPOSAL BUT MAY BE DRAWN UPON IN BILATERAL/PLURAL LATERAL DISCUSSIONS.

2. OPENING PARAGRAPH AND PUBLICATION AND NOTIFICATION. THESE SECTIONS ARE EXCELLENT AND HAVE THE PROPER TONE.

3. CONSULTATIONS. SECTION IS RATHER LONG AND COULD BE

COVERED IN TWO PARAGRAPHS. FIRST PARAGRAPH WOULD STAND AS IS. SECOND WOULD BE MODIFIED VERSION OF PARAGRAPH SIX OF THAT SECTION, INDICATING THAT A COUNTRY WHOSE INTERESTS ARE, OR ARE LIKELY TO BE, MATERIALLY AFFECTED WOULD HAVE

RECOURSE TO ARTICLE XXIII. NOTE: PRESENT DRAFT PUTS TOO MUCH WEIGHT ON DISPUTE SETTLEMENT. THIS MIGHT DIVERT ATTENTION FROM OUR MAIN CONCERNS OF ACHIEVING ACCEPTANCE OF CONSIDERATION OF EXPORT CONTROLS UNDER THE GATT, ESPECIALLY NOTIFICATION AND CONSULTATION. IF UNDERSTANDING ON DISPUTE SETTLEMENT IS ACHIEVED, ACCESS TO THOSE PROCEDURES FOR EXPORT CONTROL ISSUES WILL BE PROVIDED. IF DISPUTE SETTLEMENT PROCEDURES ARE NOT AGREED FOR XXII AND XXIII, IT IS UNLIKELY THAT DETAILED PROVISIONS WOULD SUCCEED HERE.

4. GUIDELINES ON PARTICULAR MEASURES. IN GENERAL, SECTION IS TOO LONG. IN PARA. 1, ART. I.1 DOES NOT APPLY TO ALL MEASURES LISTED, BUT ONLY TO TAXES, DUTIES OR OTHER CHARGES. OTHER MEASURES ARE COVERED BY MFN, BUT UNDER SEPARATE ARTICLES, SUCH AS ART. XIII WHICH IS CITED.

5. IN PARA. 2, IDEA OF LINKING ARTICLE XX TO MFN IS A GOOD ONE. WOULD SUGGEST THAT PARA BE ALTERED AS IT IS SOMEWHAT CONFUSING AS DRAFTED.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 068543

6. PARA. 3 SHOULD BE REPLACED BY A SIMPLE STATEMENT INDICATING THAT COUNTRIES TAKING EXPORT CONTROL MEASURES PURSUANT TO A PARTICULAR GATT PROVISION SHOULD BE PREPARED TO FURNISH RELEVANT INFORMATION TO CONCERNED COUNTRIES INDICATING THAT THE MEASURE IS IN CONFORMITY WITH THE CONDITIONS AND REQUIREMENTS OF THAT PROVISION.

7. WOULD SUGGEST DELETING PHRASE IN BRACKETS IN PARA. 4.

8. PARA. 5 IS EXCELLENT AND NEEDS NO CHANGE.

9. PARA. 6 IS PERHAPS TOO WEAK AS AN INITIAL POSITION. IN OUR VIEW, ARTICLES II AND XXVIII ARE ALREADY APPLICABLE TO EXPORT CONTROLS. WE ACKNOWLEDGE THAT OTHERS MAY DISAGREE, BUT RECOMMEND THAT FINAL SENTENCE OF PARA. 6 READ: "THE CONTRACTING PARTIES RECOGNIZE THAT THE PROVISIONS OF ARTICLES II AND XXVIII APPLY TO EXPORT DUTIES, TAXES OR OTHER CHANGES."

10. SURVEILLANCE. WE HAVE NO PROBLEM WITH TEXT. VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXPORT CONTROLS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE068543
Document Source: CORE
Document Unique ID: 00
Drafter: ROLIVER:JS
Enclosure: DG ALTERED
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780118-0744
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780354/aaaabtic.tel
Line Count: 114
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e28317c5-c288-dd11-92da-001cc4696bcc
Office: ORIGIN COME
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3289147
Secure: OPEN
Status: NATIVE
Subject: DRAFT UNDERSTANDING OF EXPORT CONTROL MEASURES
TAGS: ETRD, MTN
To: GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e28317c5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014